IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

Crl.Rev.Pet.No. 551 of 1999()

CRA.196/1996 of SESSIONS COURT, THRISSUR
CC.226/1995 of JUDL. MAGISTRATE OF FIRST CLASS COURT, IRINJALAKUDA

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REVN. PETITIONER:

VISWANATHAN, S/O.KANAKKASSERI DEVAKI AMMA,
MANAGING PARTNER, NATIONAL ARYA PHARMACY,
EDAKULAM, POOMANGALAM VILLAGE,
MUKUNDAPURAM TALUK.

BY ADV. SRI.P.RAVINDRAN

RESPONDENTS:
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1. RAJKUMAR, S/O.KARUVATHIL KRISHNAKUMAR,
PERINJANAM, KODUNGALLUR.

2. STATE OF KERALA REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.SARVOTHAMAN
PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 25/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON C.M.P.NO.2456/1999 IN Crl.Rev.Pet.No. 551 of 1999()

CLOSED.

SD/-K.R.UDAYABHANU, JUDGE

25/06/2007

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K.R.UDAYABHANU, J.

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Crl.R.P.No.551 of 1999

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Dated this the 25th day of June, 2007

O R D E R

The revision petitioner is the accused in C.C.No.226/1995 on the file of Judicial Magistrate of the First Class, Irinjalakuda, with respect to the offence under Section 138 of the Negotiable Instruments Act. The sentence was modified by the appellate court to pay a fine of Rs.1,32,500/- and in default to undergo rigorous imprisonment for three months. It was also directed that out of the fine amount if realised, a sum of Rs.1,27,500/- shall be paid to the complainant as compensation under Section 357(1) Cr.P.C.

2. It is submitted by the revision petitioner that a civil suit was instituted as O.S.No.777/1994 in Sub Court, Irinjalakuda, with respect to the same cause of action. The same was decreed and the amount was realised. Hence, he has sought for reconsideration of the matter.

In the circumstances, the conviction and sentence is confirmed. It is directed that in case it is found that the amount has been realised in the civil proceedings, the fine amount already deposited is to be released to the revision petitioner herein.

Criminal Revision Petition is disposed of as above.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.R.P.No.551 of 1999

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O R D E R

25th June, 2007